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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,521	04/26/1999	J. TURNER WHITTED	MS-62/1(1166	3368

7265 7590 03/26/2002

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EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/299,521

Applicant(s)
Whitted et al.

Examiner
Dung Nguyen

Art Unit
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 10, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15, 16, and 18-30 is/are pending in the application.
- 4a) Of the above, claim(s) 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15, 16, 18-20, 28, and 30 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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Response to Amendment

Applicant's amendment dated 01/10/2002 has been received and entered.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-11, 15-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker, US Patent No. 5,777,704 , in view of Gloor et al., US Patent No. 4,298,249.

Regarding claims 1 and 16, Applicants contend that Selker and Gloor et al. do not teach that a diffuser located behind the transmissive display panel, the diffuser being moveably attached to the housing, the diffuser for diffusing at least some of the ambient light from behind the non-viewing surface of the display panel (amendment, page 8-9). In addition, Applicants also contend that the Gloor et al. patent provides no teaching whatsoever that diffuser is moveably attached to the housing, and that the diffuser diffuses at least some of the ambient light from behind the non-viewing surface of the display panel (amendment, page 9). The Examiner is not convinced by this argument. In particular, although Selker do not explicitly disclose the diffuser for diffusing ambient light to the display panel, Selker do disclose that both the diffuser and reflector located behind the non-viewing surface of the display panel (figure 2) as well as ambient light would be diffused by the diffuser (col. 5, lines 2-3). Furthermore, Gloor et al. do disclose both the diffuser and reflector located behind the non-viewing surface of the display

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panel (figure 3) and ambient light is reflected/diffused to the display panel (see claim 1).

Therefore, it would have been obvious to one skilled in the art to modify the Selker's display device having a diffuser attached to the moveable housing which located behind the display panel in order to improve an utilization efficiency light to a display surface as well as to improve viewing angle of a display device (col. 3, ln. 67).

Regarding claims 2-11, 15-16 and 18-20, those claims which depended, either directly or indirectly, from independent claims 1 and 16, respectively, would also have been obvious to one skilled in the art.

Accordingly, the limitation of the above claims met.

3. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, US Patent No. 3,966,303 , in view of Gloor et al., US Patent No. 4,298,249.

Regarding claims 28 and 30, Yamamoto disclose a liquid crystal display (figure 5) comprising a housing (48); a display panel (11) mounted in a first location; a reflector (53) located behind the display panel; two or more devices (49, 51) forming sidewalls. However, Yamamoto does not disclose a diffuser located behind the display panel. Gloor et al. do disclose a diffuser can be located behind the display panel as shown in figure 3 (19). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Yamamoto's display device having a diffuser located behind the display panel in order to improve an utilization efficiency light to a display surface as well as to improve viewing angle of a display device (col. 3, ln. 67).

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Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-1-11, 15-16 and 18-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 26-27 of copending Application No. 09/299,522. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application disclose the same display device having a device for directing ambient light through the non-viewing surface of a display panel and a diffuser located behind the display panel.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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Allowable Subject Matter

6. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 01/10/2002 have been fully considered but they are not persuasive as noted above.

8. Applicant's arguments with respect to claim 28 have been considered but are moot in view of the new ground(s) of rejection as noted above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 746-7730.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
03/21/2002



William L. Sikes
Supervisory Patent Examiner
Group 2871